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 DREAMSTIME.COM, LLC

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

DREAMSTIME.COM, LLC, a Florida LLC,

Plaintiff,

v.

GOOGLE LLC, a Delaware LLC; and
 DOES 1-10,

Defendants.

CASE NO.: 3:18-CV-01910-WHA

**STIPULATION AND ~~[PROPOSED]~~
 ORDER ADJUSTING DATES IN
 CASE MANAGEMENT ORDER
 (FIRST REQUEST)**

Judge: Hon. William H. Alsup

Pursuant to Civil Local Rule 6-2(a), Defendant Google LLC and Plaintiff Dreamstime.com, LLC, through their undersigned counsel of record, hereby stipulate as follows:

WHEREAS, this stipulation and the parties' agreement is expressly conditioned on the Court's ability to accommodate a corresponding continuance of the trial date requested and set forth below;

WHEREAS, the parties jointly request that the Court adjust and enlarge the current dates set forth in the Case Management Order (Dkt. 73);

WHEREAS the parties submit that good cause has been demonstrated for this request;

WHEREAS this is the first request by any party to adjust or enlarge any of the deadlines set forth in the Case Management Order;

WHEREAS the Court at the hearing on September 9, 2019, Dreamstime raised the issue of continuing certain dates in the Case Management Order for the reasons discussed in more detail in the concurrently-filed Declaration of Jaime W. Marquart;

WHEREAS the Court then indicated that the parties could submit a stipulation requesting a continuance of the currently scheduled dates up to three months in length based upon the circumstances discussed on the record at the hearing; and

WHEREAS this joint stipulation and [proposed] order is supported by good cause as noted in the Declaration of Jaime W. Marquart filed concurrently herewith, pursuant to Civil Local Rules 6-1(b) and 6-2(a).

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that:

1. The non-expert discovery cut-off for written and document discovery (with the exceptions described below) shall remain as **DECEMBER 13, 2019**;
2. The non-expert discovery cut-off for written and document discovery solely related to Dreamstime's organic search ranking/performance is agreed by the parties and requested to be extended for two months from **DECEMBER 13, 2019** to **FEBRUARY 13, 2020**. This discovery will include Google's responses to Dreamstime's Interrogatory Nos. 1, 2, 5, and 15-18, any documents relied upon in

1 preparing those responses, Google's responses to document requests related to
2 organic search (Dreamstime's Request for Production Nos. 1, 2, 2, 7, 21, 23, 41, 42
3 and 43), and reasonable follow-up discovery related to the organic search-related
4 responses;

5 3. The cut-off for the completion of non-expert deposition discovery are agreed by the
6 parties and requested to be extended for two months from **DECEMBER 13, 2019** to
7 **FEBRUARY 13, 2020**;

8 4. The last date for designation of expert testimony and disclosure of full expert reports
9 under FRCP 26(a)(2) as to any issue on which a party has the burden of proof
10 ("opening reports") is agreed by the parties and requested to be extended for three
11 months from **DECEMBER 13, 2019** to **MARCH 13, 2020**. All other deadlines,
12 requirements and instructions set forth in paragraphs 5 through 9 of the Case
13 Management Order (Dkt. 73) will remain in effect and where applicable will be based
14 upon the new expert dates;

15 5. The last date to file a dispositive motion for summary judgment is agreed by the
16 parties and requested to be extended from **FEBRUARY 6, 2020** to **MAY 7, 2020**;

17 6. The date for the **FINAL PRETRIAL CONFERENCE**, currently set for **MAY 20,**
18 **2020**, is agreed by the parties and requested to be continued to a date after **AUGUST**
19 **3, 2020** according to availability on the Court's calendar and will be set once such
20 availability has been determined; and

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Respectfully submitted,

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CASE No.: 3:18-cv-01910-WHA

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE HAVING BEEN SHOWN, IT IS
HEREBY ORDERED THAT:

1. The non-expert discovery cut-off for written and document discovery (with the exceptions described below) remains **DECEMBER 13, 2019**;
2. The non-expert discovery cut-off for written and document discovery solely related to Dreamstime's organic search ranking/performance is extended from **DECEMBER 13, 2019** to **FEBRUARY 13, 2020**. This discovery will include Google's responses to Dreamstime's Interrogatory Nos. 1, 2, 5, and 15-18, any documents relied upon in preparing those responses, Google's responses to document requests related to organic search (Dreamstime's Request for Production Nos. 1, 2, 2, 7, 21, 23, 41, 42 and 43), and reasonable follow-up discovery related to the organic search-related responses;
3. The cut-off for the completion of non-expert deposition discovery is extended from **DECEMBER 13, 2019** to **FEBRUARY 13, 2020**;
4. The last date for designation of expert testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a party has the burden of proof ("opening reports") is extended from **DECEMBER 13, 2019** to **MARCH 13, 2020**. All other deadlines, requirements and instructions set forth in paragraphs 5 through 9 of the Case Management Order (Dkt. 73) shall remain in effect and where applicable shall be based upon the new expert dates;
5. The last date to file a dispositive motion for summary judgment is extended from **FEBRUARY 6, 2020** to **MAY 7, 2020**;
6. The date for the **FINAL PRETRIAL CONFERENCE**, currently set for **MAY 20, 2020**, is continued to the following date after **AUGUST 3, 2020**:
September 9, 2020 at 2:00 P.M. ; and

1 7. The date for the **JURY TRIAL** of this civil case, currently set to begin on **MAY 25,**
2 **2020**, is continued to a date which is five days following the **FINAL PRETRIAL**
3 **CONFERENCE. Specifically, September 14, 2020 at 7:30 A.M.**

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6 Dated: September 18, 2019

